

## AMENDMENTS TO THE CLAIMS

The following listing of claims replaces all previous versions and listings of claims in this application:

1. (Currently Amended) A baked cookie ~~having~~ as obtained from a chilled or frozen state in a merchandiser with an interior space maintained at a controlled temperature of 95°F to 150°F with air circulation in said space to assist in warming and providing a moisture gradient over a period of up to 6 hours, wherein said previously baked cookie after said period of 6 hours has a dual texture comprising:

a central portion and an outer portion arranged about the central portion, the central portion representing the innermost 33 to 66% of the area or volume of the baked cookie while the outer portion represents the outermost 17 to 33% of the area or volume of the baked cookie,

~~and an average moisture level of about 6.5 to 10 weight percent water moisture after baking, which cookie maintains its dual texture and average moisture level for at least about 2 to 8 hours after baking and~~ wherein the moisture gradient is at least about 7.5 percent water content in the central portion and below about 4 percent water content in the outer portion after about 6 hours in the merchandiser, during warming for display to a plurality of consumers.

2. (Cancelled)

3. (Cancelled)

4. (Currently Amended) The cookie of ~~claim 1~~claim 3, wherein the central portion has a moisture gradient of at least about 8 percent water content and the outer portion ~~has~~ has a moisture gradient of below about 7 percent water content.

5. (Cancelled)

6. (Cancelled)

7. (Currently Amended) The cookie of ~~claim 2~~ claim 1, wherein the central portion has a width of at least about  $\frac{3}{4}$  inch at the center of the cookie and the outer portion is

a band having a width of at least about  $\frac{1}{4}$  inch adjacent the edge of the cookie and disposed about the central portion.

8. (Currently Amended) The cookie of ~~claim 2~~ claim 1, wherein the central portion is a width of about  $\frac{3}{4}$  inch to  $1\frac{1}{4}$  inch and the outer portion is a band having a diameter of about  $\frac{1}{4}$  to  $\frac{3}{4}$  inch.

9. (Original) The cookie of claim 1, in the form of a substantially round cookie of about 3 to 5 inches in diameter.

10. (New) The cookie of claim 1, wherein the cookie has an average moisture level of about 6.5 to 10 weight percent water moisture after baking, which cookie maintains its dual texture and average moisture level for at least about 2 to 8 hours after baking.

11. (New) The cookie of claim 1, wherein the outer portion has a stress of at least  $150 \text{ g/mm}^2$  and the central zone has a stress of less than  $45 \text{ g/mm}^2$  after 6 hours of warming in the merchandiser.

12. (New) The cookie of claim 1, wherein the cookie has an organoleptically desirable dual texture that is detectably drier and crispier in the outer portion and moister and chewier in the central portion.

13. (New) A baked cookie as obtained from a chilled or frozen state in a merchandiser with an interior space maintained at a controlled temperature of  $95^\circ\text{F}$  to  $150^\circ\text{F}$  with air circulation in said space to assist in warming and providing a moisture gradient over a period of up to 6 hours, wherein said previously baked cookie after said period of 6 hours has a dual texture comprising:

a central portion and an outer portion arranged about the central portion, the central portion representing the innermost 33 to 66% of the area or volume of the baked cookie while the outer portion represents the outermost 17 to 33% of the area or volume of the baked cookie, wherein the outer portion has a stress of at least  $150 \text{ g/mm}^2$  and the central zone has a stress of less than  $45 \text{ g/mm}^2$  after 6 hours of warming in the merchandiser.

14. (New) The cookie of claim 13, wherein the cookie has an average moisture level of about 6.5 to 10 weight percent water moisture after baking, which cookie maintains

its dual texture and average moisture level for at least about 2 to 8 hours after baking and during warming in the merchandiser for display to a plurality of consumers.

15. (New) A baked cookie prepared by a process comprising warming a previously chilled or frozen baked cookie in a merchandiser with an interior space maintained at a controlled temperature of 95°F to 150°F with air circulation in the space to assist in warming and providing a moisture gradient to the baked cookie over a period of up to 6 hours,

wherein the baked cookie comprises a single previously baked dough material that has a dual texture and an average moisture level of about 6.5 to 10 weight percent water moisture after baking, which cookie maintains its dual texture and average moisture level for at least about 2 to 8 hours after baking and during warming in the merchandiser for display to a plurality of consumers.

16. (New) The cookie of claim 15, wherein the dual texture comprises a central portion and an outer portion arranged about the central portion.

17. (New) The cookie of claim 16, wherein the outer portion has a lower moisture content than the central portion.

18. (New) The cookie of claim 17, wherein the central portion has a moisture gradient of at least about 8 percent water content and the outer portion has a moisture gradient of below about 7 percent water content.

19. (New) The cookie of claim 17, wherein the moisture gradient is at least about 7.5 percent water content in the central portion and below about 4 percent water content in the outer portion at least about 6 hours after baking.

20. (New) The cookie of claim 16, wherein the central portion represents the innermost 33 to 66% of the area or volume of the baked cookie while the outer portion represents the outermost 17 to 33% of the area or volume of the baked cookie.

21. (New) The cookie of claim 16, wherein the central portion has a width of at least about  $\frac{3}{4}$  inch at the center of the cookie and the outer portion is a band having a width of at least about  $\frac{1}{4}$  inch adjacent the edge of the cookie and disposed about the central portion.

22. (New) The cookie of claim 16, wherein the central portion has a width of about  $\frac{3}{4}$  inch to  $1\frac{1}{4}$  inch and the outer portion is a band having a diameter of about  $\frac{1}{4}$  to  $\frac{3}{4}$  inch.

23. (New) The cookie of claim 15, in the form of a substantially round cookie of about 3 to 5 inches in diameter.